

## **Remarks**

### **1. Summary of the Office Action**

In the office action mailed October 6, 2006, the Examiner rejected claim 1 as being allegedly anticipated by U.S. Patent No. 6,771,639 (Holden), and the Examiner indicated that the remaining claims, 2-37, are allowable.

### **2. Status of the Claims**

Applicant has cancelled claim 1 in order to expedite allowance and issuance. In doing so, however, Applicant does not acquiesce in the Examiner's assertions regarding the content of the Holden patent.

Now pending are claims 2-37, all of which the Examiner has indicated are allowable. Applicant therefore respectfully requests allowance and issuance.

### **3. Consideration of Information Disclosure Statement**

Applicant filed an information disclosure statement on June 7, 2006 (together with Applicant's last response), and the information disclosure statement appears in the image file wrapper for this case. Applicant assumes the Examiner considered all of the art cited in that information disclosure statement. However, Applicant has not yet received a copy of the information disclosure statement with the references initialed to confirm the Examiner's consideration of the references. To complete the record for this case, Applicant respectfully requests the Office to mail an initiated copy of the information disclosure statement.

### **4. Correction of Assertion in Last Response**

In Applicant's last response (filed June 7, 2006), Applicant overcame § 103 rejections by removing the McConnell patent as prior art, on grounds that the McConnell patent and the present application were commonly owned or subject to an obligation of assignment to the same

person at the time the present invention was made. In doing so, Applicant stated that the McConnell patent application was assigned or subject to an obligation of assignment to Sprint Communications Company L.P., which was wholly owned by the same entity that owned the assignee of the present invention, Sprint Spectrum L.P.

The assertion of 100% common ownership of the present application and the McConnell application was correct. However, Applicant has since learned that the McConnell application was actually assigned or subject to an obligation of assignment to Sprint Spectrum L.P. (the owner of the present application), rather than to Sprint Communications Company L.P. The cover page of the McConnell patent mistakenly states that it was assigned to Sprint Communications Company L.P.; it was in fact assigned to Sprint Spectrum L.P.

Since 100% common ownership existed, this was a harmless error, and the McConnell patent remains disqualified as prior art. However, Applicant is bringing it to the attention of the Office, since the assertion in the last response was in error.

Respectfully submitted,

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